

Notice of Allowability

Application No.

09/801,717

Examiner

Rob Rhode

Applicant(s)

KOBAYASHI, SEIJI

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 10/14/05.
2. ☒ The allowed claim(s) is/are 1 and 3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

Response that was received on 10-14-05 is acknowledged and entered. The Applicant traversed the last Rejection and amended claim 1 and canceled claim 2.

Currently, claims 1 and 3 have been examined and are allowed.

In the specification

In the specification at page 5, line 20 and page 6, line 10; please change the word "clocking" to "clicking". In addition, at page 10, line 22; change the word "al" to the word "all".

In the claims

Claim 1 (Currently Amended) A personnel valuation program embodied on a computer readable medium for use with a ~~permitting a personal~~ computer, the personal valuation program comprising to fwmfmrw

a valuatee setting operation means-for setting a valuatee group of valuatees to be valuated as a subject of personnel valuation, a valuator group of valutors for performing valuation corresponding to the valuatee group and a valuation item group, as items of valuation;

a reference valuator operation ~~means~~-for setting one or more reference valutors from the valutors in the valuator group as at least one reference data valuator;

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an inputting operation ~~a means-for~~ inputting valuation data of the valuatees by all the valuator in the valuator group including the at least one reference data valuator ~~as initial valuation data~~;

an adjusting operation ~~a means-for~~ adjusting the inputted ~~initial-valuation data~~ data ~~by the valuator in the valuator group~~ other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator ~~as a reference~~, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of ~~by~~ the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator;

a summing operation ~~means-~~ for summing up the inputted valuation data of the individual valuatees in the whole valuatee group on the basis of the adjusted valuation data; and

a setting operation ~~means-~~ for setting weight data of valuator for weighting the inputted valuation data in dependence on posts of the valuator in the valuator group indicating an ability to do appropriate valuation.

Claim 2 (Canceled)

Claim 3 (Currently Amended) The personnel valuation program according to claim 1, wherein the at least one reference data valuator ~~is~~ ~~valuators~~ are selected for obtaining

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appropriate personnel valuation data, and the adjusted valuation data set ~~b7 the reference data~~ Valuator is performed with respect to the inputted valuation data of all of the valuatee group about all of the valuation items.

Reasons for Allowance

The invention claimed in the independent claim 1 is distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by P & Q with the method of Refined to have enabled a system for the subject matter recited in independent claim 1. To begin with, P & Q discloses a computerized method and system for streamlining the process of evaluating productivity and quality for call center operators. In addition, P & Q discloses a method and system for tracking performance trend to identify reviewer inconsistencies to ensure fair and consist personnel evaluations. Refine in the same area for performance evaluations discloses a method, which can be computerized to eliminate inflated evaluation as a result of evaluators ease in evaluating. Refine also provides an approach to normalizing the ratings of evaluators through applying appropriate weighting factors. While P & Q as well Refine disclose personnel evaluations methods and system, the references do not teach or would have suggested a program comprising an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator, and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation

data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. Therefore, P & Q does not teach or would have suggested to one of ordinary skill in combination with Refine a personnel valuation program embodied on a computer readable medium for use with a computer, the personal valuation program comprising: **an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator.**

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claim 1:

A. US Patents and PG-Pubs.

(i) US 5,956,692 to Foley discloses a method and system for monitoring a physical process comprising a plurality of interacting attributes where the attributes are

components of physical process. However, Foley does not disclose or teach a personnel valuation program embodied on a computer readable medium for use with a computer, the personal valuation program comprising: an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. Thereby, this online method disclosed by Foley fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 3,628,904 to Canguilhem discloses a system of measurement known as dimensional sythesis to give quantitative measure to multideminsioanl subjective concepts. However, Canguilhem does not teach or would have suggested to one of ordinary skill a personnel valuation program embodied on a computer readable medium for use with a computer, the personal valuation program comprising: an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted

valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. Therefore, the method disclosed by Canguilhem fails to anticipate the above bolded unique limitations or render them obvious.

B. Non Patent Literature

(iii) P & Q Review discloses a method and system for a computerized method and system for streamlining the process of evaluating productivity and quality for call center operators. In addition, P & Q discloses a method and system for tracking performance trend to identify reviewer inconsistencies to ensure fair and consist personnel evaluations. However, P & Q does not teach or would have suggested to one of ordinary skill a personnel valuation program embodied on a computer readable medium for use with a computer, the personal valuation program comprising: an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator.

Thereby, the method and system disclosed by P & Q fails to anticipate the above bolded unique limitations or render them obvious.

C. Foreign Patent Literature

(iv) JP 2000187685A to Casio discloses a method for setting evaluations information according to performance and associated ranking. In that regard, Casio does not teach or would have suggested to one of ordinary skill a method and system for a personnel valuation program embodied on a computer readable medium for use with a computer, the personal valuation program comprising: an adjusting operation for adjusting the inputted valuation data, other than the at least one reference data valuator with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. Thereby, this system disclosed by Casio fails to anticipate the above bolded unique limitations or render them obvious.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 571.272.6761. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571.272.7159.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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Business Center (EBC) at 866-217-9197 (toll-free). RER


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